

April 26, 2006

***Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act: For Fiscal Year 2007 and Future Years***

**QUESTIONS AND ANSWERS**

***1. What is the Clean Water Act Section 106 Tribal Grant Program?***

Section 106 of the Clean Water Act (CWA) authorizes annual appropriations of funds for federal grants to assist state and interstate agencies in administering water pollution control programs. Section 518(e) of the Clean Water Act authorizes EPA to treat a federally recognized Indian Tribe as a State for the purposes of receiving funding under Section 106. A portion of the total Section 106 appropriation is set aside to fund Tribal water pollution control programs. These set-aside funds are allocated to EPA Regions in accordance with the Section 106 allotment formula adopted in fiscal year 1998. Each Region then makes Section 106 grant awards to eligible Tribes as it believes appropriate, consistent with statutory limitations, Agency regulations, and the *Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act*.

***2. What is the purpose of the Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act?***

The *Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act* is intended to help Tribal water quality program managers, staff, and other Tribal environmental decision makers design and implement effective and successful water quality programs. The Guidance is for Tribal water quality programs at all levels of sophistication and development. For new programs, it explains how to successfully initiate and develop a water quality program. For Tribes with well-established programs, it contains information on expanding a water quality program. The Guidance also presents the basic steps a Tribe would take to collect the information it will need to make effective decisions about its program, its goals, and its future direction.

The Guidance establishes procedures and guidelines for EPA Regions to consider when awarding and administering grants to federally recognized Tribes under the authority of Section 106 of the Clean Water Act (CWA) for fiscal year (FY) 2007 and subsequent years.

***3. What is Covered by the Guidance?***

- The Guidance provides direction and clarifies EPA's expectations for all facets of a Tribal water quality program, from program initiation through key program activities, including monitoring, standards development, and enforcement.
- To meet the needs of Tribes at all levels of development, the Guidance presents the steps a Tribe would take to make effective decisions about its program, its goals, and

its future direction. Different options are suggested depending on the conditions of each Tribe and the maturity of its Tribal program.

- A key component of the new Guidance is the establishment of reporting requirements and data management expectations for all Tribal programs receiving Section 106 funds. Data collected as a result of these reporting requirements will help EPA measure environmental results of the Section 106 Tribal Grant Program and comply with the Government Performance and Results Act (GPRA) and other federal mandates.
- This Guidance will apply to all water quality program grants issued by EPA Regional offices beginning fiscal year 2007. This action affects all Tribal environmental programs that receive Section 106 Tribal grants.

#### **4. *Why is EPA Issuing the Guidance?***

Although many Tribes have implemented successful water quality programs using Section 106 grants, there is an opportunity to strengthen the consistency of program management nationally and improve the quality and access to data on the results of Tribal water quality grant investments. The Guidance provides a framework for evaluating program results and more clearly defines expectations and requirements for Tribal Section 106 grant recipients.

More important, though, this document establishes consistent guidance that helps Tribes develop and implement water quality programs and defines what EPA expects from Tribal programs. It provides an overview of water quality programmatic and technical requirements, discusses some common considerations across programs, and links to technical resources available to develop Tribal programs.

#### **5. *How Was the Guidance Developed?***

The process for developing the Guidance was first outlined at a Tribal Senior Steering Committee meeting in November 2004. Representatives from the Office of Wastewater Management (OWM), the Office of Wetlands, Oceans, and Watersheds (OWOW), the Drinking Water Protection Division (DWPD), the Office of Compliance and Enforcement, the American Indian Environmental Office (AIEO), the Tribal Affairs and Environmental Justice Office, and EPA Regions attended the meeting and provided input. The Tribal Guidance Workgroup, consisting of representatives from OWM, OWOW, AIEO, and EPA Regions, was formed at this meeting and convened in person and via conference call to write and refine drafts of the Guidance. EPA conducted outreach to Tribes about the Guidance at numerous Tribal meetings, including the River Rally in Keystone, CO, and the National Tribal Conference on Environmental Management (NTCEM) in Traverse City, MI. EPA Regions have also informally distributed the Guidance to Tribes for comments.

**6.     *Who is Affected by the Guidance?***

The Guidance applies to any Tribal environmental program that, at its discretion, applies for a Section 106 Tribal grant.

**7.     *How Can I Obtain More Information?***

General information about the Section 106 Tribal Pollution Control Grant Program can be attained by contacting Lena Ferris at (202) 564-8831 or [ferris.lena@epa.gov](mailto:ferris.lena@epa.gov). Copies of the Guidance can be downloaded by visiting EPA's website at:

<http://www.epa.gov/owm/cwfinance/106tgg07.htm>.

Technical inquiries may be addressed to Lena Ferris, U.S. Environmental Protection Agency, Office of Wastewater Management (Mail Code 4201M), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. The telephone number is (202) 564-8831 and the e-mail address is: [ferris.lena@epa.gov](mailto:ferris.lena@epa.gov).